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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,978	12/15/2004	Arnd Kaelberer	10191/3454	1940
26646	7590	10/19/2005	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			KLAUS, LISA NHUNG	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/517,978	Applicant(s) KAELBERER, ARND	
	Examiner Lisa N. Klaus	Art Unit 2832	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9 and 11-22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                    |                                                                             |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____                                                |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/15/04</u> .                                                            | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities:

- Page 5, lines 11 and 12, the reference character "5" has been used to designate both "first terminal surface" and "first bonding pad".

- Page 7, line 11 and page 8, line 15, the reference character "3" has been used to designate both "contact element" and "spring elements".

Appropriate correction is required.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities:

Regarding claim 1, line 3, "a first spring element connected to the first spring element" is incorrect. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson (US 6,765,160).

Robinson discloses an omnidirectional microscale impact switch comprising:

- Regarding claim 8, Robinson discloses:

- a movable mass 16;

- a first spring element 17 connected to the mass;

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- at least one contact element 42, 44, 46, 48;
- the first spring element 17 is displaced when there is a specified movement of the movable mass;
- Regarding claim 10, Robinson discloses:
- the first spring element 17 includes an U-spring element;

Regarding claim 8, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the displacement of the first spring element is greater than the specified degree of displacement for the purpose of holding the mass in place.

#### ***Allowable Subject Matter***

4. Claims 9, 11-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

The prior art does not teach or suggest the micromechanical switch comprising a contact element is movable and connected to the second spring element; the stop prevents displacement of the first spring element beyond a specified maximum degree of displacement of the first spring element.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Conclusion***

5. Any inquiry concerning this communication should be directed to Lisa Nhung Klaus whose telephone number is (571)272-1993, and whose fax number is 703-872-9306. In the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (571)272-1990 or the tech center receptionist at (703) 308-1782.

Lisa Nhung Klaus

Patent Examiner - Art Unit 2832

October 4, 2005

A handwritten signature in black ink, appearing to read 'Michael Friedhofer', with a stylized, flowing script.

MICHAEL FRIEDHOFER  
PRIMARY EXAMINER